

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION

In re: Ruben Dewayne Taylor,	)	
	)	
Debtor.	)	
	)	
	)	C/A No. 3:05-2805-CMC-JRM
Bishop Ruben DeWayne Taylor,	)	
	)	<b>ORDER</b>
Appellant,	)	
	)	
v.	)	
	)	
First Citizens Bank & Trust Co., et al.,	)	
	)	
Defendants,	)	
	)	
<i>of whom</i> United States Trustee is,	)	
	)	
Appellee/Movant.	)	
	)	

This bankruptcy appeal action was brought by a *pro se* appellant. The underlying Chapter 11 bankruptcy proceeding was brought in the United States Bankruptcy Court in May, 2005, asserting a variety of causes of action against both individuals and corporate entities. Because Appellant is proceeding *pro se*, this matter was referred to Magistrate Judge Joseph R. McCrorey, Jr. pursuant to this court's order of reference, 28 U.S.C. § 636 (b), 28 U.S.C. § 1915, and Local Civil Rule 73.02(B)(2)(e) (D.S.C.) for a Report and Recommendation. Based on his review of the record, the Magistrate Judge has recommended dismissal of the appeal because this court lacks jurisdiction to consider it. The Magistrate Judge advised Appellant of the procedures and requirements for filing objections to the Report and Recommendation. Appellant has failed to file Objections to the Report and Recommendation and the time for doing so has expired. Appellant did, however, file opposition to Appellee's Motion to Dismiss.

The Magistrate Judge makes only a recommendation to this court. The recommendation has

no presumptive weight, and the responsibility to make a final determination remains with the court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of any portion of the Report and Recommendation to which a specific objection is made. The court reviews the Report and Recommendation only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’”) (quoting Fed. R. Civ. P. 72 advisory committee’s note). The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b).

Plaintiff has not raised any objections to the Report and Recommendation. Therefore, after reviewing the appellate documents from the United States Bankruptcy Court, the motion to dismiss and response thereto, and the Report and Recommendation of the Magistrate Judge, the court agrees with the recommendation of the Magistrate Judge. Accordingly, the Report and Recommendation of the Magistrate Judge is accepted. Appellee’s motion to dismiss is *granted*.

**IT IS THEREFORE ORDERED** that this action is *dismissed with prejudice*. The Clerk shall transmit a copy of this order to the parties and to the United States Bankruptcy Court for the District of South Carolina.

**IT IS SO ORDERED.**

s/ Cameron McGowan Currie  
CAMERON MCGOWAN CURRIE  
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina  
January 17, 2006

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